

11/01/2004 14:23 FAX 9194850812

ICORIA, INC. LEGAL DEPT. NOV 01 2004 011/012

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
William Mashburn et al.  
Serial No. 09/870,191  
Filed: May 30, 2001  
For: Device and Process for Pulverizing  
Solid Materials

Group Art Unit: 3725

Examiner: Mark Rosenbaum

Applicant Docket No. 2077US

**ASSERTION OF SMALL ENTITY STATUS UNDER 37 CFR §1.27**

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

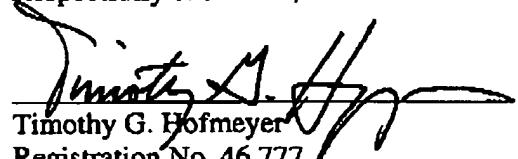
Dear Sir:

Icoria, Inc.  
108 T.W. Alexander Drive  
P.O. Box 14528  
Research Triangle Park, NC 27709-4528

I hereby assert that in the matter of application number 09/870,191, the above-identified business qualifies as a small entity for the purpose of paying reduced fees to the United States Patent and Trademark Office. Icoria, Inc., is a small business concern, as defined in 13 CFR part 121. The number of employees of the concern, including those of its affiliates, does not exceed 500 persons. Furthermore, Icoria, Inc., has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license any rights in the invention of the application identified above to any person, concern, or organization which would not qualify for small entity status.

Respectfully submitted,

Dated: Nov. 1, 2004

  
Timothy G. Hofmeyer  
Registration No. 46,777  
Icoria, Inc.  
108 T.W. Alexander Drive  
Post Office Box 14528  
Research Triangle Park, NC 27709-4528  
Telephone: (919) 425-3000

Attorney for Applicants

Customer No. 022881